

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KENNETH J. BELLET,

Plaintiff,

**DECISION AND ORDER**

v.

03-CV-00027(M)

CITY OF BUFFALO, et al.,

Defendants.

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Before me is plaintiff's "Notice of Objections to Being Deprived of Procedural Due Process by Magistrate Judge Jeremiah McCarthy" [160], which I interpret to be yet another motion requesting that I recuse myself from further proceedings in this case. We have been down this road more than once before, and plaintiff's objections have previously been addressed. If plaintiff disagrees with any of my rulings, he is free to seek appellate review in the event he does not prevail in this case.

In the meanwhile, I see no basis for recusal. "A party cannot force disqualification by attacking the judge and then claiming that these attacks must have caused the judge to be biased against him." United States v. Marshall, 77 F.Supp.2d 764, 768 (N.D.Tex. 1999). Therefore, plaintiff's motion is once again denied. Furthermore, I remind plaintiff of his obligations under Fed. R. Civ. P. ("Rule") 11(b) (a copy of which is attached to this Decision and Order), and that future violations of those obligations may lead to the imposition of appropriate sanctions, up to and including dismissal of this action.

For these reasons, plaintiff's motion [160] is denied.

Dated: June 23, 2011

**SO ORDERED.**

/s/ Jeremiah J. McCarthy  
JEREMIAH J. MCCARTHY  
United States Magistrate Judge